

1982 WL 189324 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 11, 1982

*1 George W. Percy, Jr.

Recorder

City of Landrum

100 North Shamrock Avenue

Landrum, South Carolina 29356

Dear Judge Percy:

In a letter to this office you questioned whether a municipal summons ticket, a copy of which you attached to your letter, could be used as a charging paper in charging a violation of a municipal ordinance. You indicated that such summons are issued when an officer witnesses the violation of a city ordinance. You further stated that an arrest warrant is not subsequently issued.

Enclosed please find a copy of an Order of the Chief Justice dated August 30, 1979 which provides in part that,

‘ . . . numbered arrest warrants . . . shall be used for violations of municipal ordinances, statutory law and the common law except in cases where a Uniform Traffic Ticket is used for traffic offenses.’

Therefore, an arrest warrant must be issued for violations of municipal ordinances. I would further advise that in addition to the exception to the warrant requirement for uniform traffic tickets, there are similar exceptions for the official summons of the South Carolina Wildlife and Marine Resources Commission, as provided by [§ 50-3-410, Code of Laws of South Carolina, 1976](#), and the official summons of the South Carolina Alcoholic Beverage Commission, as provided by § 61-13-836, Code of Laws of South Carolina, 1976, as amended. Such sections specifically provide that service of such summons vest a court with jurisdiction to hear and dispose of the charge for which the summons was issued. Also, the statutes dealing with litter law violations have been construed as authorizing the use of a summons to cite such violations.

Therefore, as to your particular factual situation, while a summons could be used to cite an individual for violating a particular municipal ordinance, an arrest warrant must subsequently be issued prior to the matter being heard by the municipal court.

If there are any questions, please advise.

Sincerely,

Charles H. Richardson

Assistant Attorney General

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